

1     **TITLE VIII—NATIONAL PARKS**  
2             **AIR TOUR MANAGEMENT**

3     **SEC. 801. SHORT TITLE.**

4             This title may be cited as the “National Parks Air  
5     Tour Management Act of 2000”.

6     **SEC. 802. FINDINGS.**

7             Congress finds that—

8                 (1) the Federal Aviation Administration has  
9             sole authority to control airspace over the United  
10            States;

11                (2) the Federal Aviation Administration has the  
12            authority to preserve, protect, and enhance the envi-  
13            ronment by minimizing, mitigating, or preventing  
14            the adverse effects of aircraft overflights on public  
15            and tribal lands;

16                (3) the National Park Service has the responsi-  
17            bility of conserving the scenery and natural and his-  
18            toric objects and wildlife in national parks and of  
19            providing for the enjoyment of the national parks in  
20            ways that leave the national parks unimpaired for  
21            future generations;

22                (4) the protection of tribal lands from aircraft  
23            overflights is consistent with protecting the public  
24            health and welfare and is essential to the mainte-

1 nance of the natural and cultural resources of In-  
2 dian tribes;

3 (5) the National Parks Overflights Working  
4 Group, composed of general aviation, commercial air  
5 tour, environmental, and Native American represent-  
6 atives, recommended that the Congress enact legisla-  
7 tion based on the Group's consensus work product;  
8 and

9 (6) this title reflects the recommendations made  
10 by that Group.

11 **SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL**  
12 **PARKS.**

13 (a) IN GENERAL.—Chapter 401 (as amended by sec-  
14 tion 706(a) of this Act) is further amended by adding at  
15 the end the following:

16 **“§ 40128. Overflights of national parks**

17 “(a) IN GENERAL.—

18 “(1) GENERAL REQUIREMENTS.—A commercial  
19 air tour operator may not conduct commercial air  
20 tour operations over a national park or tribal lands  
21 except—

22 “(A) in accordance with this section;

23 “(B) in accordance with conditions and  
24 limitations prescribed for that operator by the  
25 Administrator; and

1           “(C) in accordance with any applicable air  
2           tour management plan for the park or tribal  
3           lands.

4           “(2) APPLICATION FOR OPERATING AUTHOR-  
5           ITY.—

6           “(A) APPLICATION REQUIRED.—Before  
7           commencing commercial air tour operations  
8           over a national park or tribal lands, a commer-  
9           cial air tour operator shall apply to the Admin-  
10          istrator for authority to conduct the operations  
11          over the park or tribal lands.

12          “(B) COMPETITIVE BIDDING FOR LIMITED  
13          CAPACITY PARKS.—Whenever an air tour man-  
14          agement plan limits the number of commercial  
15          air tour operations over a national park during  
16          a specified time frame, the Administrator, in  
17          cooperation with the Director, shall issue oper-  
18          ation specifications to commercial air tour oper-  
19          ators that conduct such operations. The oper-  
20          ation specifications shall include such terms and  
21          conditions as the Administrator and the Direc-  
22          tor find necessary for management of commer-  
23          cial air tour operations over the park. The Ad-  
24          ministrator, in cooperation with the Director,  
25          shall develop an open competitive process for

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1 evaluating proposals from persons interested in  
2 providing commercial air tour operations over  
3 the park. In making a selection from among  
4 various proposals submitted, the Administrator,  
5 in cooperation with the Director, shall consider  
6 relevant factors, including—

7 “(i) the safety record of the person  
8 submitting the proposal or pilots employed  
9 by the person;

10 “(ii) any quiet aircraft technology pro-  
11 posed to be used by the person submitting  
12 the proposal;

13 “(iii) the experience of the person sub-  
14 mitting the proposal with commercial air  
15 tour operations over other national parks  
16 or scenic areas;

17 “(iv) the financial capability of the  
18 person submitting the proposal;

19 “(v) any training programs for pilots  
20 provided by the person submitting the pro-  
21 posal; and

22 “(vi) responsiveness of the person  
23 submitting the proposal to any relevant  
24 criteria developed by the National Park  
25 Service for the affected park.

1           “(C) NUMBER OF OPERATIONS AUTHOR-  
2           IZED.—In determining the number of author-  
3           izations to issue to provide commercial air tour  
4           operations over a national park, the Adminis-  
5           trator, in cooperation with the Director, shall  
6           take into consideration the provisions of the air  
7           tour management plan, the number of existing  
8           commercial air tour operators and current level  
9           of service and equipment provided by any such  
10          operators, and the financial viability of each  
11          commercial air tour operation.

12          “(D) COOPERATION WITH NPS.—Before  
13          granting an application under this paragraph,  
14          the Administrator, in cooperation with the Di-  
15          rector, shall develop an air tour management  
16          plan in accordance with subsection (b) and im-  
17          plement such plan.

18          “(E) TIME LIMIT ON RESPONSE TO ATMP  
19          APPLICATIONS.—The Administrator shall make  
20          every effort to act on any application under this  
21          paragraph and issue a decision on the applica-  
22          tion not later than 24 months after it is re-  
23          ceived or amended.

24          “(F) PRIORITY.—In acting on applications  
25          under this paragraph to provide commercial air

1 tour operations over a national park, the Ad-  
2 ministrator shall give priority to an application  
3 under this paragraph in any case in which a  
4 new entrant commercial air tour operator is  
5 seeking operating authority with respect to that  
6 national park.

7 “(3) EXCEPTION.—Notwithstanding paragraph  
8 (1), commercial air tour operators may conduct com-  
9 mercial air tour operations over a national park  
10 under part 91 of the title 14, Code of Federal Regu-  
11 lations if—

12 “(A) such activity is permitted under part  
13 119 of such title;

14 “(B) the operator secures a letter of agree-  
15 ment from the Administrator and the national  
16 park superintendent for that national park de-  
17 scribing the conditions under which the oper-  
18 ations will be conducted; and

19 “(C) the total number of operations under  
20 this exception is limited to not more than 5  
21 flights in any 30-day period over a particular  
22 park.

23 “(4) SPECIAL RULE FOR SAFETY REQUIRE-  
24 MENTS.—Notwithstanding subsection (c), an exist-  
25 ing commercial air tour operator shall apply, not

1 later than 90 days after the date of enactment of  
2 this section, for operating authority under part 119,  
3 121, or 135 of title 14, Code of Federal Regulations.

4 A new entrant commercial air tour operator shall  
5 apply for such authority before conducting commer-  
6 cial air tour operations over a national park or tribal  
7 lands. The Administrator shall make every effort to  
8 act on any such application for a new entrant and  
9 issue a decision on the application not later than 24  
10 months after it is received or amended.

11 “(b) AIR TOUR MANAGEMENT PLANS.—

12 “(1) ESTABLISHMENT.—

13 “(A) IN GENERAL.—The Administrator, in  
14 cooperation with the Director, shall establish an  
15 air tour management plan for any national park  
16 or tribal land for which such a plan is not in  
17 effect whenever a person applies for authority  
18 to conduct a commercial air tour operation over  
19 the park. The air tour management plan shall  
20 be developed by means of a public process in  
21 accordance with paragraph (4).

22 “(B) OBJECTIVE.—The objective of any  
23 air tour management plan shall be to develop  
24 acceptable and effective measures to mitigate or  
25 prevent the significant adverse impacts, if any,

1 of commercial air tour operations upon the nat-  
2 ural and cultural resources, visitor experiences,  
3 and tribal lands.

4 “(2) ENVIRONMENTAL DETERMINATION.—In  
5 establishing an air tour management plan under this  
6 subsection, the Administrator and the Director shall  
7 each sign the environmental decision document re-  
8 quired by section 102 of the National Environmental  
9 Policy Act of 1969 (42 U.S.C. 4332) which may in-  
10 clude a finding of no significant impact, an environ-  
11 mental assessment, or an environmental impact  
12 statement and the record of decision for the air tour  
13 management plan.

14 “(3) CONTENTS.—An air tour management  
15 plan for a national park—

16 “(A) may prohibit commercial air tour op-  
17 erations in whole or in part;

18 “(B) may establish conditions for the con-  
19 duct of commercial air tour operations, includ-  
20 ing commercial air tour routes, maximum or  
21 minimum altitudes, time-of-day restrictions, re-  
22 strictions for particular events, maximum num-  
23 ber of flights per unit of time, intrusions on pri-  
24 vacy on tribal lands, and mitigation of noise,  
25 visual, or other impacts;



1           “(C) shall apply to all commercial air tour  
2 operations within 1/2 mile outside the boundary  
3 of a national park;

4           “(D) shall include incentives (such as pre-  
5 ferred commercial air tour routes and altitudes,  
6 relief from caps and curfews) for the adoption  
7 of quiet aircraft technology by commercial air  
8 tour operators conducting commercial air tour  
9 operations at the park;

10           “(E) shall provide for the initial allocation  
11 of opportunities to conduct commercial air tour  
12 operations if the plan includes a limitation on  
13 the number of commercial air tour operations  
14 for any time period; and

15           “(F) shall justify and document the need  
16 for measures taken pursuant to subparagraphs  
17 (A) through (E) and include such justifications  
18 in the record of decision.

19           “(4) PROCEDURE.—In establishing an air tour  
20 management plan for a national park or tribal lands,  
21 the Administrator and the Director shall—

22           “(A) hold at least one public meeting with  
23 interested parties to develop the air tour man-  
24 agement plan;

1           “(B) publish the proposed plan in the Fed-  
2           eral Register for notice and comment and make  
3           copies of the proposed plan available to the  
4           public;

5           “(C) comply with the regulations set forth  
6           in sections 1501.3 and 1501.5 through 1501.8  
7           of title 40, Code of Federal Regulations (for  
8           purposes of complying with the regulations, the  
9           Federal Aviation Administration shall be the  
10          lead agency and the National Park Service is a  
11          cooperating agency); and

12          “(D) solicit the participation of any Indian  
13          tribe whose tribal lands are, or may be,  
14          overflowed by aircraft involved in a commercial  
15          air tour operation over the park or tribal lands  
16          to which the plan applies, as a cooperating  
17          agency under the regulations referred to in sub-  
18          paragraph (C).

19          “(5) JUDICIAL REVIEW.—An air tour manage-  
20          ment plan developed under this subsection shall be  
21          subject to judicial review.

22          “(6) AMENDMENTS.—The Administrator, in co-  
23          operation with the Director, may make amendments  
24          to an air tour management plan. Any such amend-  
25          ments shall be published in the Federal Register for

1 notice and comment. A request for amendment of an  
2 air tour management plan shall be made in such  
3 form and manner as the Administrator may pre-  
4 scribe.

5 “(c) INTERIM OPERATING AUTHORITY.—

6 “(1) IN GENERAL.—Upon application for oper-  
7 ating authority, the Administrator shall grant in-  
8 terim operating authority under this subsection to a  
9 commercial air tour operator for commercial air tour  
10 operations over a national park or tribal lands for  
11 which the operator is an existing commercial air tour  
12 operator.

13 “(2) REQUIREMENTS AND LIMITATIONS.—In-  
14 terim operating authority granted under this  
15 subsection—

16 “(A) shall provide annual authorization  
17 only for the greater of—

18 “(i) the number of flights used by the  
19 operator to provide the commercial air tour  
20 operations within the 12-month period  
21 prior to the date of enactment of this sec-  
22 tion; or

23 “(ii) the average number of flights per  
24 12-month period used by the operator to  
25 provide such operations within the 36-

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1 month period prior to such date of enact-  
2 ment, and, for seasonal operations, the  
3 number of flights so used during the sea-  
4 son or seasons covered by that 12-month  
5 period;

6 “(B) may not provide for an increase in  
7 the number of commercial air tour operations  
8 conducted during any time period by the com-  
9 mercial air tour operator above the number that  
10 the air tour operator was originally granted un-  
11 less such an increase is agreed to by the Ad-  
12 ministrator and the Director;

13 “(C) shall be published in the Federal Reg-  
14 ister to provide notice and opportunity for com-  
15 ment;

16 “(D) may be revoked by the Administrator  
17 for cause;

18 “(E) shall terminate 180 days after the  
19 date on which an air tour management plan is  
20 established for the park or tribal lands;

21 “(F) shall promote protection of national  
22 park resources, visitor experiences, and tribal  
23 lands;

24 “(G) shall promote safe commercial air  
25 tour operations;

1           “(H) shall promote the adoption of quiet  
2           technology, as appropriate; and

3           “(I) shall allow for modifications of the in-  
4           terim operating authority based on experience if  
5           the modification improves protection of national  
6           park resources and values and of tribal lands.

7           “(3) NEW ENTRANT AIR TOUR OPERATORS.—

8           “(A) IN GENERAL.—The Administrator, in  
9           cooperation with the Director, may grant in-  
10          terim operating authority under this paragraph  
11          to an air tour operator for a national park or  
12          tribal lands for which that operator is a new en-  
13          trant air tour operator if the Administrator de-  
14          termines the authority is necessary to ensure  
15          competition in the provision of commercial air  
16          tour operations over the park or tribal lands.

17          “(B) SAFETY LIMITATION.—The Adminis-  
18          trator may not grant interim operating author-  
19          ity under subparagraph (A) if the Adminis-  
20          trator determines that it would create a safety  
21          problem at the park or on the tribal lands, or  
22          the Director determines that it would create a  
23          noise problem at the park or on the tribal  
24          lands.

1           “(C) ATMP LIMITATION.—The Adminis-  
2           trator may grant interim operating authority  
3           under subparagraph (A) of this paragraph only  
4           if the air tour management plan for the park or  
5           tribal lands to which the application relates has  
6           not been developed within 24 months after the  
7           date of enactment of this section.

8           “(d) EXEMPTIONS.—This section shall not apply to—  
9           “(1) the Grand Canyon National Park; or  
10          “(2) tribal lands within or abutting the Grand  
11          Canyon National Park.

12          “(e) LAKE MEAD.—This section shall not apply to  
13          any air tour operator while flying over or near the Lake  
14          Mead National Recreation Area, solely as a transportation  
15          route, to conduct an air tour over the Grand Canyon Na-  
16          tional Park.

17          “(f) DEFINITIONS.—In this section, the following  
18          definitions apply:

19               “(1) COMMERCIAL AIR TOUR OPERATOR.—The  
20               term ‘commercial air tour operator’ means any per-  
21               son who conducts a commercial air tour operation.

22               “(2) EXISTING COMMERCIAL AIR TOUR OPER-  
23               ATOR.—The term ‘existing commercial air tour oper-  
24               ator’ means a commercial air tour operator that was  
25               actively engaged in the business of providing com-

1       mercial air tour operations over a national park at  
2       any time during the 12-month period ending on the  
3       date of enactment of this section.

4               “(3) NEW ENTRANT COMMERCIAL AIR TOUR  
5       OPERATOR.—The term ‘new entrant commercial air  
6       tour operator’ means a commercial air tour operator  
7       that—

8               “(A) applies for operating authority as a  
9       commercial air tour operator for a national  
10      park or tribal lands; and

11              “(B) has not engaged in the business of  
12      providing commercial air tour operations over  
13      the national park or tribal lands in the 12-  
14      month period preceding the application.

15              “(4) COMMERCIAL AIR TOUR OPERATION.—

16              “(A) IN GENERAL.—The term ‘commercial  
17      air tour operation’ means any flight, conducted  
18      for compensation or hire in a powered aircraft  
19      where a purpose of the flight is sightseeing over  
20      a national park, within ½ mile outside the  
21      boundary of any national park, or over tribal  
22      lands, during which the aircraft flies—

23              “(i) below a minimum altitude, deter-  
24      mined by the Administrator in cooperation  
25      with the Director, above ground level (ex-

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1           cept solely for purposes of takeoff or land-  
2           ing, or necessary for safe operation of an  
3           aircraft as determined under the rules and  
4           regulations of the Federal Aviation Admin-  
5           istration requiring the pilot-in-command to  
6           take action to ensure the safe operation of  
7           the aircraft); or

8                   “(ii) less than 1 mile laterally from  
9           any geographic feature within the park  
10          (unless more than ½ mile outside the  
11          boundary).

12           “(B) FACTORS TO CONSIDER.—In making  
13          a determination of whether a flight is a com-  
14          mercial air tour operation for purposes of this  
15          section, the Administrator may consider—

16                   “(i) whether there was a holding out  
17          to the public of willingness to conduct a  
18          sightseeing flight for compensation or hire;

19                   “(ii) whether a narrative that referred  
20          to areas or points of interest on the sur-  
21          face below the route of the flight was pro-  
22          vided by the person offering the flight;

23                   “(iii) the area of operation;

24                   “(iv) the frequency of flights con-  
25          ducted by the person offering the flight;



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1 “(v) the route of flight;

2 “(vi) the inclusion of sightseeing  
3 flights as part of any travel arrangement  
4 package offered by the person offering the  
5 flight;

6 “(vii) whether the flight would have  
7 been canceled based on poor visibility of  
8 the surface below the route of the flight;  
9 and

10 “(viii) any other factors that the Ad-  
11 ministrator and the Director consider ap-  
12 propriate.

13 “(5) NATIONAL PARK.—The term ‘national  
14 park’ means any unit of the National Park System.

15 “(6) TRIBAL LANDS.—The term ‘tribal lands’  
16 means Indian country (as that term is defined in  
17 section 1151 of title 18) that is within or abutting  
18 a national park.

19 “(7) ADMINISTRATOR.—The term ‘Adminis-  
20 trator’ means the Administrator of the Federal Avia-  
21 tion Administration.

22 “(8) DIRECTOR.—The term ‘Director’ means  
23 the Director of the National Park Service.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
2 chapter 401 (as amended by section 706(b) of this Act)  
3 is further amended by adding at the end the following:  
“40128. Overflights of national parks.”.

4 (c) COMPLIANCE WITH OTHER REGULATIONS.—For  
5 purposes of section 40126 of title 49, United States  
6 Code—

7 (1) regulations issued by the Secretary of  
8 Transportation and the Administrator under section  
9 3 of Public Law 100–91 (16 U.S.C. 1a–1 note), and  
10 (2) commercial air tour operations carried out  
11 in compliance with the requirements of those regula-  
12 tions,  
13 shall be deemed to meet the requirements of such section  
14 40126.

15 **SEC. 804. QUIET AIRCRAFT TECHNOLOGY FOR GRAND CAN-**  
16 **YON.**

17 (a) QUIET TECHNOLOGY REQUIREMENTS.—Within  
18 12 months after the date of enactment of this Act, the  
19 Administrator shall designate reasonably achievable re-  
20 quirements for fixed-wing and helicopter aircraft nec-  
21 essary for such aircraft to be considered as employing  
22 quiet aircraft technology for purposes of this section. If  
23 the Administrator determines that the Administrator will  
24 not be able to make such designation before the last day  
25 of such 12-month period, the Administrator shall transmit

1 to Congress a report on the reasons for not meeting such  
2 time period and the expected date of such designation.

3 (b) ROUTES OR CORRIDORS.—In consultation with  
4 the Director and the advisory group established under sec-  
5 tion 805, the Administrator shall establish, by rule, routes  
6 or corridors for commercial air tour operations (as defined  
7 in section 40126(e)(4) of title 49, United States Code) by  
8 fixed-wing and helicopter aircraft that employ quiet air-  
9 craft technology for—

10 (1) tours of the Grand Canyon originating in  
11 Clark County, Nevada; and

12 (2) “local loop” tours originating at the Grand  
13 Canyon National Park Airport, in Tusayan, Arizona,  
14 provided that such routes or corridors can be located in  
15 areas that will not negatively impact the substantial res-  
16 toration of natural quiet, tribal lands, or safety.

17 (c) OPERATIONAL CAPS.—Commercial air tour oper-  
18 ations by any fixed-wing or helicopter aircraft that em-  
19 ploys quiet aircraft technology and that replaces an exist-  
20 ing aircraft shall not be subject to the operational flight  
21 allocations that apply to other commercial air tour oper-  
22 ations of the Grand Canyon, provided that the cumulative  
23 impact of such operations does not increase noise at the  
24 Grand Canyon.

1       (d) MODIFICATION OF EXISTING AIRCRAFT TO  
2 MEET STANDARDS.—A commercial air tour operation by  
3 a fixed-wing or helicopter aircraft in a commercial air tour  
4 operator’s fleet on the date of enactment of this Act that  
5 meets the requirements designated under subsection (a),  
6 or is subsequently modified to meet the requirements des-  
7 ignated under subsection (a), may be used for commercial  
8 air tour operations under the same terms and conditions  
9 as a replacement aircraft under subsection (c) without re-  
10 gard to whether it replaces an existing aircraft.

11       (e) MANDATE TO RESTORE NATURAL QUIET.—  
12 Nothing in this Act shall be construed to relieve or  
13 diminish—

14           (1) the statutory mandate imposed upon the  
15 Secretary of the Interior and the Administrator of  
16 the Federal Aviation Administration under Public  
17 Law 100–91 (16 U.S.C. 1a–1 note) to achieve the  
18 substantial restoration of the natural quiet and ex-  
19 perience at the Grand Canyon National Park; and

20           (2) the obligations of the Secretary and the Ad-  
21 ministrator to promulgate forthwith regulations to  
22 achieve the substantial restoration of the natural  
23 quiet and experience at the Grand Canyon National  
24 Park.

1 **SEC. 805. ADVISORY GROUP.**

2 (a) ESTABLISHMENT.—Not later than 1 year after  
3 the date of enactment of this Act, the Administrator and  
4 the Director of the National Park Service shall jointly es-  
5 tablish an advisory group to provide continuing advice and  
6 counsel with respect to commercial air tour operations  
7 over and near national parks.

8 (b) MEMBERSHIP.—

9 (1) IN GENERAL.—The advisory group shall be  
10 composed of—

11 (A) a balanced group of—

12 (i) representatives of general aviation;

13 (ii) representatives of commercial air  
14 tour operators;

15 (iii) representatives of environmental  
16 concerns; and

17 (iv) representatives of Indian tribes;

18 (B) a representative of the Federal Avia-  
19 tion Administration; and

20 (C) a representative of the National Park  
21 Service.

22 (2) EX OFFICIO MEMBERS.—The Administrator  
23 (or the designee of the Administrator) and the Di-  
24 rector (or the designee of the Director) shall serve  
25 as ex officio members.

1           (3) CHAIRPERSON.—The representative of the  
2       Federal Aviation Administration and the representa-  
3       tive of the National Park Service shall serve alter-  
4       nating 1-year terms as chairman of the advisory  
5       group, with the representative of the Federal Avia-  
6       tion Administration serving initially until the end of  
7       the calendar year following the year in which the ad-  
8       visory group is first appointed.

9       (c) DUTIES.—The advisory group shall provide ad-  
10      vice, information, and recommendations to the Adminis-  
11      trator and the Director—

12           (1) on the implementation of this title and the  
13      amendments made by this title;

14           (2) on commonly accepted quiet aircraft tech-  
15      nology for use in commercial air tour operations over  
16      a national park or tribal lands, which will receive  
17      preferential treatment in a given air tour manage-  
18      ment plan;

19           (3) on other measures that might be taken to  
20      accommodate the interests of visitors to national  
21      parks; and

22           (4) at the request of the Administrator and the  
23      Director, safety, environmental, and other issues re-  
24      lated to commercial air tour operations over a na-  
25      tional park or tribal lands.

1 (d) COMPENSATION; SUPPORT; FACA.—

2 (1) COMPENSATION AND TRAVEL.—Members of  
3 the advisory group who are not officers or employees  
4 of the United States, while attending conferences or  
5 meetings of the group or otherwise engaged in its  
6 business, or while serving away from their homes or  
7 regular places of business, may be allowed travel ex-  
8 penses, including per diem in lieu of subsistence, as  
9 authorized by section 5703 of title 5, United States  
10 Code, for persons in the Government service em-  
11 ployed intermittently.

12 (2) ADMINISTRATIVE SUPPORT.—The Federal  
13 Aviation Administration and the National Park  
14 Service shall jointly furnish to the advisory group  
15 clerical and other assistance.

16 (3) NONAPPLICATION OF FACA.—Section 14 of  
17 the Federal Advisory Committee Act (5 U.S.C.  
18 App.) does not apply to the advisory group.

19 **SEC. 806. PROHIBITION OF COMMERCIAL AIR TOUR OPER-**  
20 **ATIONS OVER THE ROCKY MOUNTAIN NA-**  
21 **TIONAL PARK.**

22 Effective beginning on the date of enactment of this  
23 Act, no commercial air tour operation may be conducted  
24 in the airspace over the Rocky Mountain National Park

1 notwithstanding any other provision of this Act or section  
2 40126 of title 49, United States Code.

3 **SEC. 807. REPORTS.**

4 (a) OVERFLIGHT FEE REPORT.—Not later than 180  
5 days after the date of enactment of this Act, the Adminis-  
6 trator shall transmit to Congress a report on the effects  
7 overflight fees are likely to have on the commercial air  
8 tour operation industry. The report shall include, but shall  
9 not be limited to—

10 (1) the viability of a tax credit for the commer-  
11 cial air tour operators equal to the amount of any  
12 overflight fees charged by the National Park Service;  
13 and

14 (2) the financial effects proposed offsets are  
15 likely to have on Federal Aviation Administration  
16 budgets and appropriations.

17 (b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not  
18 later than 2 years after the date of enactment of this Act,  
19 the Administrator and the Director of the National Park  
20 Service shall jointly transmit a report to Congress on the  
21 effectiveness of this title in providing incentives for the  
22 development and use of quiet aircraft technology.



1 **SEC. 808. METHODOLOGIES USED TO ASSESS AIR TOUR**  
2 **NOISE.**

3 Any methodology adopted by a Federal agency to as-  
4 sess air tour noise in any unit of the national park system  
5 (including the Grand Canyon and Alaska) shall be based  
6 on reasonable scientific methods.

7 **SEC. 809. ALASKA EXEMPTION.**

8 The provisions of this title and section 40128 of title  
9 49, United States Code, as added by section 803(a), do  
10 not apply to any land or waters located in Alaska.